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EXAMINER

CHANG, ERIC

ART UNIT PAPER NUMBER

2116

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,322

Applicant(s)

JANIK, CRAIG M.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 48-67 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 48-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,678,215 to Treyz et al., in view of U.S. Patent 6,842,779 to Nishizawa.
4. As to claim 48, Treyz discloses a method of presenting content retrieved via the internet, comprising: providing a content preference selection to a server to retrieve from the internet content [col. 5, lines 60-67, and col. 6, lines 1-10]; receiving from the server at an alarm clock the content [col. 1, lines 25-60]; and causing the alarm clock to present the content that is relevant to the content preference selection at a time that is programmed into the alarm clock [col. 1, lines 25-60].

Treyz teaches the limitations of the claim but does not teach that the content preference selection comprises information to be used with a search engine wherein the content is retrieved from said search engine.

Nishizawa teaches that an agent program that retrieves and displays information from the internet to a user at a designated time [col. 2, lines 27-40]. Thus, Nishizawa teaches a scheduled retrieval of information from the internet similar to that of Treyz. Nishizawa further teaches that

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the agent program automatically performs an internet search using a search engine, such as a web crawler, further also using user-defined content preference selections [col. 1, lines 33-43].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the internet search means as taught by Nishizawa. One of ordinary skill in the art would have been motivated to do so that the user's desired content can be located on the internet and thusly retrieved.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of scheduled retrieval of information from the internet. Moreover, the internet search means taught by Nishizawa would improve the flexibility of Treyz because it allowed for improved integration with other web services [col. 4, lines 45-57].

5. As to claim 49, Treyz discloses the content preference selection is provided by interacting with a server Web page [col. 5, lines 60-67, and col. 6, lines 1-10].

6. As to claim 50, Treyz discloses the content is streamed to the alarm clock [col. 1, lines 56-60].

7. As to claim 51, Treyz discloses the content is converted from text to synthesized speech [col. 1, lines 32-34].

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8. As to claim 52, Treyz discloses the content is stored within a memory of the alarm clock prior to the time that is programmed into the clock [col. 1, lines 39-51].
9. As to claim 53, Treyz discloses the content is received at the alarm clock at a user-selected time [col. 2, lines 13-15].
10. As to claim 54, Treyz discloses the alarm clock accesses the server at the user-selected time to receive the content [col. 2, lines 13-15].
11. As to claim 55, Treyz discloses automatically dialing a designated phone number [col. 2, lines 3-11].
12. As to claim 56, Treyz discloses the content is converted from text to synthesized speech [col. 1, lines 32-34].
13. As to claim 57, Treyz discloses the content is retrieved on a daily basis [col. 1, lines 11-15, and col. 61-64].
14. As to claim 58, Treyz discloses a method of presenting content retrieved via the internet, comprising: providing a content preference selection to a server to retrieve from the internet content [col. 5, lines 60-67, and col. 6, lines 1-10]; receiving from the server at an alarm clock the content [col. 1, lines 25-60]; and causing the alarm clock to present the content that is

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relevant to the content preference selection at a time that is programmed into the alarm clock [col. 1, lines 25-60]. Furthermore, Treyz discloses that the content may comprise a plurality of user-designated content preference selections [col. 1, lines 32-39].

Treyz teaches the limitations of the claim but does not teach that the content preference selection comprises information to be used with a search engine wherein the content is retrieved from said search engine.

Nishizawa teaches that an agent program that retrieves and displays information from the internet to a user at a designated time [col. 2, lines 27-40]. Thus, Nishizawa teaches a scheduled retrieval of information from the internet similar to that of Treyz. Nishizawa further teaches that the agent program automatically performs an internet search using a search engine, such as a web crawler, further also using user-defined content preference selections [col. 1, lines 33-43].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the internet search means as taught by Nishizawa. One of ordinary skill in the art would have been motivated to do so that the user's desired content can be located on the internet and thusly retrieved.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of scheduled retrieval of information from the internet. Moreover, the internet search means taught by Nishizawa would improve the flexibility of Treyz because it allowed for improved integration with other web services [col. 4, lines 45-57].

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15. As to claim 59, Treyz discloses the content preference selection is provided by interacting with a server Web page [col. 5, lines 60-67, and col. 6, lines 1-10].

16. As to claim 60, Treyz discloses the content is streamed to the alarm clock [col. 1, lines 56-60].

17. As to claim 61, Treyz discloses the content is converted from text to synthesized speech [col. 1, lines 32-34].

18. As to claim 62, Treyz discloses the content is stored within a memory of the alarm clock prior to the time that is programmed into the clock [col. 1, lines 39-51].

19. As to claim 63, Treyz discloses the content is received at the alarm clock at a user-selected time [col. 2, lines 13-15].

20. As to claim 64, Treyz discloses the alarm clock accesses the server at the user-selected time to receive the content [col. 2, lines 13-15].

21. As to claim 65, Treyz discloses automatically dialing a designated phone number [col. 2, lines 3-11].

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22. As to claim 66, Treyz discloses the content is converted from text to synthesized speech [col. 1, lines 32-34].

23. As to claim 67, Treyz discloses the content is retrieved on a daily basis [col. 1, lines 11-15, and col. 61-64].

Response to Arguments

24. Applicant's arguments with respect to claims 48-67 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ec
July 14, 2005


LYNNE H. BROWNE
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